

IN THE DRAWINGS:

Please add new Figure 9.

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REMARKS

Claims 3, 4 and 25 have been canceled and claims 13-23 have been withdrawn. Thus, claims 1, 2, 5 - 12, 24 and 26 remain pending in this application. Applicant hereby affirms the election of claims 1 - 12 and 24 - 26 indicated by the Examiner. Claims 1 and 24 have been amended to more particularly point out and distinctly claim the subject matter of the invention. The Specification has been amended and Figure 9 has been added. No new matter has been added. In view of the above amendments and the following remarks, it is respectfully submitted that all of the presently pending claims and drawings are allowable.

The drawings stand objected under 37 C.F.R. 1.83(a) for failure to show the “elongated outer element comprises a platinum wire co-wound with a wire formed of shape memory material” as recited in claim 12. *09/05/06 Office Action*, p. 3. Figure 9 has been added to the drawings to address this objection. In particular, Figure 9 displays a platinum wire 104 co-wound with a wire 204 made of a shape memory material as set forth in paragraph [0029] of the Specification. Support for this drawing and the description thereof can be found in paragraph [0029] as originally filed.

Claims 1, 2, 6 - 10, 24, and 26 stand rejected under 35 U.S.C. § 102(b) as anticipated by Kupiecki (U.S. Patent No. 5,980,514).

Amended claim 1 recites an embolic coil comprising: “an elongated core element formed of a shape memory material treated to define a memorized secondary coil shape,” and “an elongated outer element wound around the elongated core element to define a primary coil shape of the embolic coil,” and “*a plurality of fibers gripped between adjacent coils of the primary coil.*”

In contrast, Kupiecki describes an artificial occlusion kit consisting of occlusion devices and a retaining device with no fibers extending from any coil of any occlusion device or retaining device.

Accordingly, Applicant respectfully submits that Kupiecki does not describe an embolic coil further comprising "*a plurality of fibers gripped between adjacent coils of the primary coil.*" Thus the 35 U.S.C. §102(b) rejections based on Kupiecki of claim 1, and the claims depending therefrom (claims 2 and 6 - 12), should be withdrawn.

Claim 24 recites limitations substantially similar to those of claim 1, including "a primary coil having a primary coil shape, the primary coil defining a lumen extending therethrough...and *a plurality of fibers gripped between adjacent coils of the primary coil.*" Thus, the 35 U.S.C. §102(b) rejections based on Kupiecki of claim 24, and the claim depending therefrom (claim 26), should be withdrawn.

Claims 3, 4, 11, and 25 stand rejected under 35 U.S.C. §103(a) as obvious over Kupiecki in view of Villar (U.S. Patent No. 6,287,318). Claims 3, 4 and 25 have been incorporated into their respective independent claims. Therefore, these independent claims will be discussed in regard to this rejection. Claim 11 remains dependent on claim 1.

As described above, amended claim 1 recites an embolic coil comprising: "an elongated core element formed of a shape memory material treated to define a memorized secondary coil shape," and "an elongated outer element wound around the elongated core element to define a primary coil shape of the embolic coil," and "*a plurality of fibers gripped between adjacent coils of the primary coil.*"

Similarly, amended claim 24 recites a coiled medical device comprising "a primary coil having a primary coil shape, the primary coil defining a lumen extending therethrough," and "a secondary coil formed of a shape memory material and disposed in the lumen, the secondary coil having a secondary coil memorized shape, wherein, when heated to a temperature above a critical temperature of the shape memory material, the secondary coil causes the primary coil to follow the secondary coil shape," and "*a plurality of fibers gripped between adjacent coils of the primary coil.*"

Applicant agrees with the Examiner that Kupiecki does not show or suggest a coil having fibers as recited in claim 1. However, it is respectfully submitted that Villar does not cure this deficiency because it does not teach or suggest the limitation where “a plurality of fibers [are] gripped between adjacent coils of the primary coil.” Villar states that fibers can be attached by “appropriate safe glues” or “by heating to cause them to maintain contact with the core member.” *Villar*, col. 5, lines 21-26. In fact, the device described by Villar shows only one embodiment with fibers that pass between adjacent coils of the primary coil and, in this embodiment, the adjacent coils are so far apart that the fibers pass therethrough in a loose braid and are not held in place by contact between the adjacent coils. (See, Fig. 2 and specification, col. 4, lines 48 - 61). Villar states with respect to all of its embodiments including that of Fig. 2, that:

each of the polymeric materials can be attached to any allied core member variously by appropriate and safe glues or, if the polymeric materials are thermoplastics, by heating those polymers to cause them to maintain a contact with the core member.

Specification, col. 5, lines 21 - 27.

Thus, it is respectfully submitted that Villar includes no suggestion or motivation for a modification which would have these fibers gripped between adjacent coils of the primary coil.

Thus, it is respectfully submitted that Kupiecki and Villar, taken alone or in combination, neither describe nor suggest the device recited in either of independent claims 1 and 24 and applicants respectfully request that the 35 U.S.C. §103(a) rejections of former claims 3, 4, 11 and 25 based on Kupiecki in view of Villar be withdrawn.

Claims 5 and 12 stand rejected under 35 U.S.C. §103(a) as unpatentable over Kupiecki. Claims 5 and 12 depend on and therefore include all of the limitations of claim 1. Thus, it is respectfully submitted that these claims are allowable for the reasons stated above in regard to claim 1.

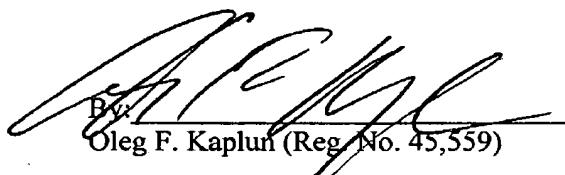
Claim 12 also stands rejected under 35 U.S.C. §103(a) as unpatentable over Kupiecki in view of Ferrera (U.S. Patent No. 6,171,326). However, it is respectfully submitted that Ferrera does not cure the aforementioned deficiencies of Kupiecki. Thus, it is respectfully submitted that, for the reasons stated above, the 35 U.S.C. §103(a) rejection of claim 12 based on Kupiecki and Ferrera should be withdrawn.

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It is therefore respectfully submitted that all of the presently pending claims are allowable. All issues raised by the Examiner having been addressed, an early and favorable action on the merits is earnestly solicited.

Respectfully submitted,



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